

EXHIBIT D

Cowley, Steven M.

From: Lackman, Eleanor <eml@msk.com>
Sent: Thursday, December 9, 2021 4:21 PM
To: Cowley, Steven M.; Edelstein, Lindsay
Cc: Chen, Peggy S.; Mullins, Bradley
Subject: RE: [EXTERNAL] Activity in Case 1:21-cv-03514-AT-JLC Tom Hussey Photography, LLC v. BDG Media, Inc. Order

Counsel,

There must be an issue with however your production was printed, because there were many documents marked confidential or highly confidential. You are representing that only the one you identified was, which is not true from where we sit. Can you please send back what you received so that we can look into it? Obviously, this is quite troubling if that's the case. Please make sure you claw back any documents shared with anyone in this matter, except to the extent public, or advise them that they have documents that they should not have.

I'm not going to go around in circles with you on the simple fact that you seem to think that the confidentiality issue (which should be a non-issue) and the settlement agreement are tied together. They are not. I expect to be back to you over the weekend.

Regards,
Eleanor



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From: Cowley, Steven M. <SMCowley@duanemorris.com>
Sent: Thursday, December 9, 2021 4:17 PM
To: Edelstein, Lindsay <lre@msk.com>; Lackman, Eleanor <eml@msk.com>
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Subject: RE: [EXTERNAL] Activity in Case 1:21-cv-03514-AT-JLC Tom Hussey Photography, LLC v. BDG Media, Inc. Order

-EXTERNAL MESSAGE-
Counsel,

I cannot say it any other way – I already identified (by bates number) all of the documents we have identified as being implicated by a confidentiality claim. I have asked you to confirm, or identify (by bates number) any you claim we missed. Please do that.